

Solicitors Permit Application



Solicitor Information – Please attach a current photograph

Name _____
Street Address _____
City ST ZIP Code _____
Home Phone _____
Work Phone _____
E-Mail Address _____
Social Security # _____
Drivers License # _____
Height & Weight _____
Eye Color _____
Hair Color _____
REPRESENTING: _____
Company Name _____
Address _____
Phone Number _____
Contact Person _____
Tax exempt (Fee waived) _____

Not for profit must submit proof of exempt status

Solicitation information

Subject of Solicitation _____
Requested Dates _____
Location Requested _____

Please attach any literature to be distributed

Solicitation Rules

- Hours: 8:00 am to 9:00 pm
- Keep your badge visible at all times.
- **DO NOT KNOCK WHERE A "NO SOLICITORS" SIGN IS DISPLAYED.**
Your permit will be revoked.
- It is unlawful for any solicitor to fail to leave when asked to do so.
- A \$25 **Commercial Solicitors** permit fee should accompany this application

I have received a copy of Village Ordinance 2011-41 and agree to comply with all the rules therein.

Signature of Applicant: _____

ORDINANCE NO. 2011 - 41

**AN ORDINANCE AMENDING CHAPTER 7 ENTITLED BUSINESSES, TRADES
AND OCCUPATIONS OF THE CODE OF ORDINANCES,
VILLAGE OF BROOKFIELD, ILLINOIS,
REGULATING SOLICITORS**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 25TH DAY OF JULY 2011**

Published in pamphlet form by
authority of the Corporate Authorities
of the Village of Brookfield, Illinois,
this 25th day of July 2011.

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**AN ORDINANCE AMENDING CHAPTER 7 ENTITLED BUSINESSES, TRADES
AND OCCUPATIONS OF THE CODE OF ORDINANCES,
VILLAGE OF BROOKFIELD, ILLINOIS,
REGULATING SOLICITORS**

WHEREAS, in the opinion of a majority of the corporate authorities of the Village of Brookfield, it is advisable, necessary and in the public interest that the Village of Brookfield amend its Code of Ordinances to regulate solicitors in the Village of Brookfield;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

Section 1. Amendment of Chapter 7

Chapter 7 entitled "Businesses, Trades and Occupations of the Code of Ordinances, Village of Brookfield, Illinois, as amended, is hereby further amended by adding thereto Article XV entitled Solicitation to read as follows:

ARTICLE XV SOLICITATION

SEC. 07-175 Findings and Purpose

A. It is hereby determined that:

1. Uninvited visits to private residential properties and privately owned businesses for the purposes of soliciting funds, goods, wares, merchandise or services by persons and organizations have been occurring and continue to occur within the Village.
2. Residents and business owners have complained that these activities are intrusive upon their privacy and disruptive to their daily activities.

3. A variety of misrepresentations and other frauds are at times employed in such activities.
4. Burglaries and attacks on persons in their homes have occurred by persons claiming to be solicitors.
5. The Village has a legitimate and substantial interest in promoting the public health, safety, welfare of its residents by preventing fraudulent or criminal activities which may result from unregulated solicitation.
6. Noncommercial speech is entitled to broader protection under the First Amendment to the United States Constitution than commercial speech, affording the Village a greater ability to regulate commercial speech than noncommercial speech.
7. An effective way to promote and protect persons' safety and privacy is by reasonably limiting the hours of solicitation and requiring solicitors to obtain permits in a content-neutral manner. Allowing individuals to determine their level of comfort with privacy and whether or not they want to receive solicitation will promote the Village's interest in promoting public safety and protecting individuals' privacy, while respecting solicitors' interests in effective distribution of information. A reasonable accommodation of these competing interests can be achieved by adoption of this Article, which regulates the time, place and manner of solicitations.

B. Based on the findings described above, it is further found that there is a need for narrowly tailored reasonable time, place and manner restrictions regarding soliciting within the Village so as to accomplish the following, to the extent

reasonably possible:

1. Provide for the safety of the public and property;
2. Deter fraud and crime by determining the identity of solicitors by requiring solicitors to obtain a permit prior to soliciting within the Village;
3. Restrict the unreasonable interference with privacy by reasonably restricting the hours of solicitation activities;
4. Prohibit the solicitation of occupants of property when the occupant has posted a sign prohibiting such activities; and
5. Respect the solicitors' interests in effective distribution of information.

SEC. 07-176 Definitions

The following words, terms and phrases, when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Applicant** means any person or entity that has filed an application for a commercial or noncommercial solicitation permit as hereinafter provided.
- B. **Charitable organization** means (1) any benevolent, philanthropic, patriotic, or eleemosynary person, or one purporting to be such, which solicits and collects funds for charitable purposes and includes each local, county or area division of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization; (2) a not-for-profit organization incorporated pursuant to 805 ILCS 110/0.01 & 805 ILCS 110/35; or (3) any other organization that has been granted tax-exempt status from the State of Illinois or the Internal Revenue Service pursuant to Section 501(c)(3) of the Internal Revenue Code.
- C. **Charitable purpose** means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

D. **Commercial solicitation** means solicitation which is not conducted for any charitable purpose or political purpose, or on behalf of any charitable organization, as those terms are defined herein.

E. **Noncommercial solicitation** means solicitation for a charitable purpose or political purpose, or on behalf of a charitable organization, as those terms are defined herein.

F. **Nonresidential premises** means and includes all buildings, structures, and units in the Village occupied for nonresidential purposes.

G. **Political purpose** means any activity in support of bona-fide candidates for public office, or any matter related to the election, nomination, or performance of public officials, or issues presented to the electorate at any election.

H. **Residence** means and includes every separate living unit in the Village occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

I. **Solicit** means to engage in any acts of solicitation as defined herein.

J. **Solicitation** means the act of any person traveling by foot, vehicle or any other type of conveyance who goes from residence to residence, business to business, from place to place or in or along any highway, street or sidewalk within the Village either: (1) requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value; (2) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, in person or by the in person distribution of flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value: (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter; (4) A person conducting a poll, survey or petition drive in regard to any political matter; and (5) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same. Solicitation shall also

not include seeking or obtaining nominal contributions such as gifts, food, candy or contributions of money as is customarily and commonly known as "trick-or-treat" in the celebration of Halloween day.

SEC. 07-177 Administration

A. The Village Clerk shall have the following powers and duties, which shall at all times be performed without consideration of the content or viewpoint of the information being distributed by a solicitor:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, denial and revocation of permits as set forth in this Article.

2. To take such further actions as the Village Clerk shall deem necessary to carry out the purposes and intent of this Article and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Article.

B. The powers and duties of the Village Clerk under this Article may be exercised by any Deputy Village Clerk appointed as provided by law.

SEC. 07-178 Solicitation Permits.

A. Solicitation Permit Required. A Commercial or Non-commercial solicitation permit shall be required to solicit within the Village.

B. Solicitation Without Permit Prohibited. It shall be unlawful for any person not in possession of a current and valid Commercial or Non-commercial solicitation permit to solicit within the Village at any time after the effective date of this Article.

C. Solicitation Without Permit Displayed. It shall be unlawful for any person to solicit within the Village at any time that a current and valid Commercial or Non-

commercial solicitation permit is not displayed in plain view on the person who is soliciting after the effective date of this Article.

D. Solicitation in Violation of Permit Prohibited. It shall be unlawful for any holder of a Commercial or Non-commercial solicitation permit to solicit except in the manner authorized by, and in compliance with, the provisions of this Article.

E. Assignment or Transfer of Permit Prohibited. It shall be unlawful for any holder of a Commercial or Non-commercial solicitation permit to assign or transfer a Commercial or Non-commercial solicitation permit.

SEC. 07-179 Solicitation Restrictions.

A. It shall be unlawful for any person to go in or upon, ring the bell, knock on the door of or attempt to gain admission to any residence, dwelling, apartment or nonresidential premises which is posted with a sticker or sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors" or any other similar notice indicating in any manner that the occupants of such residence or nonresidential premises desire not to be disturbed or to have their rights of privacy disturbed for the purpose of soliciting, unless such occupant has specifically requested or invited such solicitation. For convenience, the Village Manager may make available to Village residents stickers or weatherproof cards bearing notice of the type herein described for posting on or near the main entrance door to any residence or nonresidential premises.

B. It shall be unlawful for any person to go in or upon, ring the bell, knock on the door of or attempt to gain admission to any residence, dwelling, apartment or nonresidential premises for the purpose of conducting solicitation at any time after

9:00 p.m. or before 8:00 a.m. on any day, unless such person has been requested or invited by the owner or adult occupant of the premises to be thereupon for such purposes.

C. It shall be unlawful for any person conducting solicitation at any residence or nonresidential premises to fail to leave and to fail to cease conducting solicitation at such residence or nonresidential premises immediately upon receiving, from any person present at such residence or nonresidential premises, a request to leave or cease conducting solicitation.

D. It shall be unlawful for any person to conduct solicitation in or on any sidewalk or other public property, way or place in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on or around such sidewalk or public property, way or place. No person conducting solicitation shall have the exclusive right to any sidewalk or other public property, way or place, nor to establish a permanent stationary location for such solicitation.

E. Notwithstanding the provisions of Section 17-50, entitled "Solicitation on Highways," of Chapter 17 of this Code of Ordinances, it shall be unlawful for any person to conduct solicitation of employment, business, or sales of any kind from the occupant of any vehicle traveling upon any street or highway when:

1. The solicitation or collection causes the person performing the activity to enter onto the traveled portion of a street or highway; or
2. The solicitation or collection involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

- F. A violation of this section is hereby defined to be a public nuisance.

SEC. 07-180 Commercial Solicitation Permit.

A. Applications for a Commercial Solicitation permit shall be made on forms provided by the Village Clerk. The applications shall be provided by the Village Clerk immediately upon request. The applicant shall verify under oath or other similar affirmation that the statements made by the applicant in the application are true, complete and accurate. The application shall contain the following:

1. The applicant's name and current residence address, and the applicant's business address, if other than residence address;
2. The applicant's social security number and the applicant's driver's license number or other official form of identification, if any;
3. A current photograph of the applicant;
4. A brief physical description of the applicant, including height, weight, and hair and eye color;
5. The name and address of the applicant's current employer or person or entity on whose behalf the applicant is conducting commercial solicitation;
6. A brief description of the subject matter of the applicant's solicitation;
7. The dates for which the applicant seeks a commercial solicitation permit;

8. Information regarding the use or revocation of prior commercial solicitation permits issued to the applicant by the Village, if any, including the date, or approximate date, of the last previous application for a commercial solicitation permit from the Village, if any;

9. Information regarding prior or current violations, if any, by the applicant of any of the provisions of this Article, or the solicitation regulations of any other local, state, or federal government; and

10. Information regarding any prior conviction of the applicant of a felony under the laws of the State of Illinois, any other state, or the United States.

B. If, during the pendency of any application for, or during the term of, any commercial solicitation permit there is any change in any material information given in the application for such permit, the applicant shall promptly notify the Village Manager in writing of such change.

C. Within five (5) business days of receipt of an application for a Commercial Solicitation permit, the Village Clerk shall grant the application and issue the permit provided that the applicable requirements contained in Section 07-181 are satisfied. If the requirements contained in Section 07-181 are not satisfied, the Village Clerk shall, within five (5) business days of receipt of the application for a permit, deny the application and state the reasons in writing for such denial. If the Village Clerk fails, within five (5) business days of receipt of the application for a permit, to act on the application, then, provided that the permit fee has been paid, the application shall be considered granted. The Village Manager shall cause to be kept in the Village records an accurate record of every commercial solicitation permit application

received and acted upon together with all other information and data pertaining thereto, including commercial solicitation permits issued or denied under the provisions of this section.

D. The fee for each Commercial Solicitation permit shall be Twenty-five Dollars (\$25.00).

E. A Commercial Solicitation permit shall expire on December 31 of the year of its issuance.

F. A Commercial Solicitation permit may be renewed by the applicant by reaffirming that the information in the prior application remains true, complete and accurate or by submitting in a new application with any information that has changed from the prior application and provided that the applicable requirements contained in Section 07-181 are satisfied.

SEC. 07-181 Commercial Solicitation Permit Requirements

A. A commercial solicitation permit shall be subject to, and granted upon, the following conditions, restrictions and requirements:

1. The material statements made in the application are true;
2. The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five (5) years of the date of the application;
3. The applicant has not had a previously issued commercial solicitation permit revoked by the Village within five (5) years of the date of the application;
4. The applicant has not been convicted of violating any provisions of

this Article within five (5) years of the date of the application;

5. The application is accompanied by a current photograph of the applicant;

6. The applicant has paid the commercial solicitation permit fee.

SEC. 07-182 Non-commercial Solicitation Permit.

A. Applications for a Non-commercial Solicitation permit shall be made on forms provided by the Village Clerk. The applications shall be provided by the Village Clerk immediately upon request. The applicant shall verify under oath or other similar affirmation that the statements made by the applicant in the application are true, complete and accurate. The application shall contain the following:

1. The applicant's name and current residence address;
2. The applicant's social security number and the applicant's driver's license number or other official form of identification, if any;
3. A current photograph of the applicant;
4. A brief physical description of the applicant, including height, weight, and hair and eye color;
5. The dates for which the applicant seeks a commercial solicitation permit;
6. Information regarding the revocation of prior Non-commercial solicitation permits issued to the applicant by the Village, if any;
7. Information regarding prior or current violations, if any, by the applicant of any of the provisions of this Article, or the solicitation regulations of any other local, state, or federal government;

8. Information regarding any prior conviction of the applicant of a felony under the laws of the State of Illinois, any other state, or the United States;
9. The name of the organization the applicant represents, if any, and the name or names of the organization on behalf of which the applicant intends to solicit contributions;
10. The name and address of the organization's registered agent for service in Illinois and in the state in which the organization was legally established;
11. The principal address of the organization the applicant represents, if any, and the address of its principal office in Illinois, if different. If the organization does not maintain a principal office, the name and address of the location where the records of the organization are maintained;
12. The charitable purpose of the organization and evidence of its tax exempt status.

B. If, during the pendency of any application for or during the term of, any Non-commercial solicitation permit there is any change in any material information given in the application for such permit, the applicant shall promptly notify the Village Manager in writing of such change.

C. Within five (5) business days of receipt of an application for a Non-commercial Solicitation permit, the Village Clerk shall grant the application and issue the permit provided that the applicable requirements contained in Section 07-181 are satisfied. If the requirements contained in Section 07-181 are not satisfied, the Village Clerk shall, within five (5) business days of receipt of the

application for a permit, deny the application and state the reasons in writing for such denial. If the Village Clerk fails, within five (5) business days of receipt of the application for a permit, to act on the application, then, provided that the permit fee has been paid, the application shall be considered granted. The Village Manager shall cause to be kept in the Village records an accurate record of every commercial solicitation permit application received and acted upon together with all other information and data pertaining thereto, including Non-commercial solicitation permits issued or denied under the provisions of this section.

D. There shall be no permit fee for a Non-commercial Solicitation permit.

E. A Non-commercial Solicitation permit shall expire on December 31 of the year of its issuance.

F. A Non-commercial Solicitation permit may be renewed by the applicant by reaffirming in writing that the information in the prior application remains true, complete and accurate or by submitting in a new application with any information that has changed from the prior application and provided that the applicable requirements contained in Section 07-182 are satisfied.

SEC. 07-183 Non-commercial Solicitation Permit Requirements

A. A Non-commercial solicitation permit shall be subject to, and granted upon, the following conditions, restrictions and requirements:

1. The material statements made in the application are true;
2. The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five (5) years of the date of the application;

3. The applicant has not had a previously issued Non-commercial solicitation permit revoked by the Village within five (5) years of the date of the application;
4. The applicant has not been convicted of violating any provisions of this Article within five (5) years of the date of the application;
5. The application is accompanied by a current photograph of the applicant;
6. The solicitation will be conducted for a charitable purpose.

SEC. 07-184 Revocation of Permits.

The Village Clerk shall revoke any permit issued under the provisions of this Article after a finding that any of the following causes exists:

- A. Fraud, misrepresentation or any false statement contained in the application for a permit;
- B. Failure, following thirty (30) days after the expiration of any appeal rights, to pay any penalty assessed under this Article;
- C. Violation of any term of the permit granted to the holder of a permit;
- D. Violation of any provision of this Article.

SEC. 07-185 Appeal of Decisions of the Village Clerk.

Any decision of the Village Clerk under this Article shall be appealable. Any person aggrieved by a decision of the Village Clerk shall have the right to appeal the decision to the Village Manager, provided that the applicant files a written notice of appeal, including a statement of the grounds of appeal, with the Village Manager within fifteen (15) calendar days after notice of the decision of the Village Clerk. The Village Manager shall set a

hearing on the appeal within ten (10) calendar days after receipt of the written notice of appeal and notice of the time and place shall be given to the aggrieved party. The Village Manager shall have the power to reverse, affirm or modify the decision of the Village Clerk. In making its determination, the Village Manager shall only consider the standards set forth in this Article. The Village Manager's decision shall be rendered the same day as the hearing. The failure of the Village Manager to set or conduct a hearing in accordance with the requirements of this section shall be considered a denial of the appeal. The decision of the Village Manager shall be a final administrative decision subject to judicial review under the Illinois Administrative Review Law in the Circuit Court of Cook County, Illinois.

SEC. 07-186 Penalties.

Any person or entity who shall be guilty of a violation of any of the provisions of this Article shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for every day a violation continues. The provisions of this section shall not limit any other remedies authorized by law.

SEC. 07-187 Severability.

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Article.

Section 2. Conflict.

Any ordinance or portion of any ordinance in conflict with the provisions of this ordinance is repealed solely to the extent of said conflict.

Section 3. Effective Date of Ordinance.

This Ordinance shall be in effect from and after July 25, 2011 or ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law, whichever is the last to occur.

ADOPTED this 25th day of July 2011 pursuant to roll call vote as follows:


AYES: Trustees Edwards, Evans, Hall, Ketchmark, Oberhauser and Towner

NAYS: None

ABSENT: None

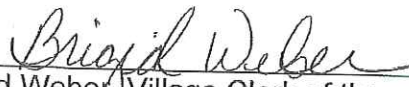
ABSTENTION: None

APPROVED by me this 25th day of July 2011.



Michael J. Garvey, President of the
Village of Brookfield, Cook County, Illinois

ATTEST:



Brigid Weber, Village Clerk of the
Village of Brookfield, Cook County, Illinois